

The Commonwealth of Massachusetts  
Department of Telecommunications & Energy

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D.T.E. NO. 98-38	:	
INVESTIGATION BY THE DEPARTMENT	:	COMMENTS OF SNET
OF TELECOMMUNICATIONS & ENERGY	:	CELLULAR, INC. WITH
ON ITS OWN MOTION TO DETERMINE	:	: RESPECT TO THE NEED
WHETHER MEASURES SHOULD BE	:	TO ADOPT A "VIRTUAL
IMPLEMENTED TO CONSERVE	:	POOLING" PLAN
EXCHANGE CODES WITHIN EASTERN	:	
MASSACHUSETTS	:	
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SNET Cellular, Inc. ("SNET") hereby files its Comments on the proposed adoption by the Massachusetts Department of Telecommunications and Energy (the "Department") of a regulation implementing a "virtual pooling" plan, specifically for the administration of NXX codes in the 508, 617, 781, and 978 area codes in eastern Massachusetts. SNET supports the adoption by the telecommunications industry of measures that will promote the efficient use of telephone numbers and NXX codes, including measures that promote efficient use of numbers within NXX codes assigned to carriers. SNET believes, however, that in the present jeopardy situation in the 508, 617, 781 and 978 NPAs, the Department should assist the industry to focus its activities on NXX code conservation measures that have a reasonable likelihood of not only realizing the efficient use of numbers but also addressing the impending crisis with respect to the NXX code exhaust in eastern Massachusetts. Although "virtual pooling" undoubtedly would promote efficient use of numbers if administered in a manner that recognizes the variations in how different carriers use telephone numbers in providing service, unfortunately it will have no impact on delaying NXX code exhaust in eastern Massachusetts.

**THE DEPARTMENT SHOULD CONVENE AN INDUSTRY MEETING IN CONNECTION WITH AREA CODE RELIEF TO CONSIDER THE IMPLEMENTATION OF “VIRTUAL POOLING” AS AN INTERIM INDUSTRY PRACTICE**

As mentioned in its opposition to the Attorney General’s Motion for Emergency Ruling, SNET does not object to the concept of “virtual pooling” of telephone numbers as generally described by Lockheed Martin in the technical session. SNET would voluntarily participate in an appropriate “virtual pooling” program adopted by the industry as a means to conserve telephone numbers until a legally adopted national pooling plan is approved and the technology for it is available to the industry. SNET would support convening the various industry participants in eastern Massachusetts as soon as possible at the Department’s request and under the aegis of the numbering administrator to attempt to agree to a voluntary “virtual pooling” plan.

**THE LOCKHEED MARTIN PROPOSAL WITH RESPECT TO “VIRTUAL POOLING” CONTAINS INHERENT AMBIGUITY THAT CANNOT BE CORRECTED WITHOUT FACTUAL DEVELOPMENT CONCERNING HOW VARIOUS TELECOMMUNICATIONS SERVICE PROVIDERS “UTILIZE” TELEPHONE NUMBERS IN PROVIDING TELECOMMUNICATIONS SERVICES**

As was abundantly clear from Mr. Deak’s testimony, for example *Transcript* of June 1, 1998, p. 99, the “virtual pooling” proposal by Lockheed Martin contains ambiguities that Mr. Deak assumed will be “cleared up” at some point prior to implementation. If the Department were to adopt the proposal as currently written, no party could be assured that the obviously flawed proposal would or could be applied fairly to all types of service providers. The only logical solution is to clarify the ambiguities now, prior to implementation.

**RATE CENTER CONSOLIDATION MAY OFFER A MORE LIKELY CHANCE OF DELAYING NXX CODE EXHAUST THAN “VIRTUAL POOLING”**

While there are many questions to be answered about whether rate center consolidation can be implemented in time or whether its implementation is even feasible in eastern Massachusetts, if those questions can be answered satisfactorily, rate center consolidation has a much greater likelihood of achieving a more efficient use of NXX codes on a scale that will have a meaningful impact on NXX code exhaust than “virtual pooling” and even full number pooling for that matter. If the Department has concluded that it should pursue mandatory number conservation measures, it should direct its inquiry toward whether rate center consolidation can be a viable part of the number conservation solution in eastern Massachusetts.

**EASTERN MASSACHUSETTS SHOULD HAVE IN PLACE AN AREA CODE RELIEF PLAN AS, AT A MINIMUM, A BACKUP IN THE EVENT THAT “VIRTUAL POOLING” AND OTHER NXX CODE CONSERVATION MEASURES ARE UNSUCCESSFUL IN DELAYING NXX CODE EXHAUST**

SNET continues to be concerned that the Department’s efforts to adopt NXX code conservation measures while delaying the initiation of processes to put in place traditional area code relief, if necessary, will have the inevitable result of eastern Massachusetts reaching NXX code exhaust before area code relief can be implemented. Even if full thousands block pooling is able to be implemented for wireline carriers prior to the exhaust date, and “virtual pooling” has been successful in preserving thousands blocks of numbers for use in pooling, there is no evidence how long such pooling will be able to delay exhaust at that point. Any information about demand that the “virtual pooling administrator” collects during the “virtual pooling” program will be suspect and will

not include the forecasts of new competitors. Testimony of J. Deak, *Transcript* of June 1, 1998, pp. 141-143. In addition, it is by no means clear that the wireless industry will be able to participate in pooling as soon as the wireline providers. There is every reason to believe that wireless participation in local number portability, a prerequisite for pooling, will be delayed far beyond the time it is available for the wireline providers.

As is clear from the record of this proceeding, the Lockheed Martin “virtual pooling” proposal is derived from the May 11, 1998 Decision of the Illinois Commerce Commission<sup>1</sup> that ordered the implementation of “virtual pooling” in Chicago. It is instructive that the Illinois Commission found it prudent to implement, concurrently with the adoption of its “virtual pooling” plan, a traditional area code relief plan consisting of an all services overlay “as a back-up plan if numbering pooling does not succeed in forestalling 847 NPA exhaust.”<sup>2</sup> The Department should do no less in connection with the impending NXX code exhaust in eastern Massachusetts. Because the implementation process for traditional area code relief has taken substantial amounts of time in Massachusetts in the past, it is essential that the Department begin the area code relief process immediately.

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<sup>1</sup>Docket No. 97-0192.

<sup>2</sup> *Id.*, at p. 36.

Respectfully submitted this 15<sup>th</sup> day of June, 1998.

**SNET CELLULAR, INC.**

By Tyler Cooper & Alcorn, LLP

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